

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 783

STATE OF NEW JERSEY

DATED: MARCH 17, 2014

The Senate Labor Committee reports favorably Senate Bill No. 783.

This bill provides that a discriminatory compensation decision or other employment practice that is unlawful under the “Law Against Discrimination,” occurs each occasion that compensation is paid in furtherance of that discriminatory decision or practice. This provision thus “restarts” the applicable statute of limitations governing discriminatory compensation claims under the “Law Against Discrimination,” effectively making each paycheck another instance of the discriminatory compensation decision or other practice and therefore a new or continuing violation.

The bill reflects language in the “Lilly Ledbetter Fair Pay Act of 2009,” Pub.L. 111-2, which clarified that, under various federal anti-discrimination laws, including the Civil Rights Act of 1964, an unlawful discriminatory compensation decision occurs each time wages, benefits, or other compensation are paid to an individual. This bill sets forth the same provision as applicable under this State’s “Law Against Discrimination.”

Finally, the bill provides that nothing in the “Law Against Discrimination” will: prohibit the court’s authority to apply the doctrine of “continuing violation” to any appropriate claim as that doctrine currently exists in New Jersey common law; weaken, obstruct; eliminate any potential equitable application of the “discovery rule” as that doctrine is currently cognizable in New Jersey common law; or affect any applicable statutes of limitation.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.